

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

SHANON ROY SANTEE

Plaintiff,

VS.

**OCEANEERING INTERNATIONAL,
INC.; TRANSOCEAN OFFSHORE
DEEPWATER DRILLING INC.; AND
CHEVRON U.S.A. INC.**

Defendants.

§ **CIVIL ACTION NO.**

§

§

§ **SECTION**

§

§

§ **DISTRICT JUDGE**

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§ **MAGISTRATE**

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441, 1446, and 43 U.S.C. § 1349, Defendant, Chevron U.S.A. Inc. (“Chevron”), hereby gives notice and removes this case to the United States District Court for the Southern District of Texas. Chevron represents the following in accordance with the requirement of 28 U.S.C. § 1446(a) for a “short and plain statement of the grounds for removal”:

TEXAS STATE COURT ACTION

1.

Chevron is a defendant in the matter styled “*Shanon Roy Santee v. Oceaneering International, Inc. et al.*,” pending in the 165th Judicial District Court of Harris County, State of Texas and bearing Case No. 2021-59104 (“State Court Action”).

2.

Plaintiff, Shanon Roy Santee, filed his Original Petition in the State Court Action on September 21, 2021.

3.

Chevron was served with the Original Petition on September 23, 2021.¹

4.

Chevron filed its Original Answer and Request for Disclosure on October 14, 2021.²

5.

Transocean Offshore Deepwater Drilling, Inc. filed its Original Answer to Plaintiff's Original Petition on October 18, 2021.³

6.

This Notice of Removal is timely filed, as it is being filed within thirty days after receipt of the initial pleading setting forth the claims for relief and within thirty days of service of process as required by 28 U.S.C. § 1446(b).

VENUE IS PROPER IN THIS COURT

7.

Venue is proper in this Court pursuant to 28 U.S.C. § 1446(a), as the United States District Court for the Southern District of Texas is the District in which the State Court Action was pending.

BASIS FOR REMOVAL

8.

Pursuant to 43 U.S.C. § 1349, this Court has original jurisdiction over this matter because it arises out of or in connection with an operation conducted on the Outer Continental Shelf that involved exploration, development, or production of the minerals of the Outer Continental Shelf.

¹ See Service of Process of the Original Petition for Chevron U.S.A. Inc. attached hereto as Exhibit A.

² See Chevron's Original Answer and Request for Disclosure attached hereto as Exhibit B.

³ See Transocean Offshore Deepwater Drilling Inc.'s Original Answer to Plaintiff's Original Petition attached hereto as Exhibit C.

Further, pursuant to 28 U.S.C. § 1331, this Court has original jurisdiction over this matter because it arises under the laws of the United States, namely the Outer Continental Shelf Lands Act, (“OSCLA”), 43 U.S.C. § 1331, *et seq.*

9.

OCSLA provides, in relevant part, that “district courts of the United States shall have jurisdiction of cases and controversies *arising out of, or in connection with* (A) any operation conducted on the outer Continental Shelf which involves exploration, development, or production of the minerals, of the subsoil and seabed of the outer Continental Shelf, or which involves rights to such minerals.” 43 U.S.C. § 1349(b)(1) (emphasis added).

10.

Plaintiff alleges that on or about January 11, 2021, he was working aboard the *M/V Deepwater Conqueror* when his injuries occurred while attempting to install a cursor frame as part of a maintenance project.

11.

At all material times, the *M/V Deepwater Conqueror* was a drillship docked at the Jack St. Malo drill platform and in the operation of pulling samples. The Jack St. Malo drill platform is located on the Outer Continental Shelf in the Gulf of Mexico approximately 280 miles south of New Orleans, Louisiana. But for the exploration and development of minerals on the Outer Continental Shelf, the *M/V Deepwater Conqueror* would not have been operating and the plaintiff’s alleged injuries would not have occurred.

12.

Accordingly, the events that form the subject of the State Court Action constitute a matter “arising out of” and “in connection with” operations on the Outer Continental Shelf, and, thus, this Court has original subject matter jurisdiction under 43 U.S.C. § 1349 and/or 28 U.S.C. § 1331.

13.

Alternatively, this Court also has original subject matter jurisdiction under 28 U.S.C. § 1333.

14.

This matter is therefore removable under 28 U.S.C. § 1441, in that it is a civil action over which the United States District Court for the Southern District of Texas has original subject matter jurisdiction under 43 U.S.C. § 1349 (OCSLA), 28 U.S.C. § 1331 (federal question), and/or 28 U.S.C. § 1333 (admiralty).

15.

Chevron hereby removes this action to the United States District Court for the Southern District of Texas.

OTHER MATTERS

16.

Pursuant to 28 U.S.C. § 1446(a), a copy of all process, pleadings, and orders served on Chevron are attached as Exhibit A.

17.

The written consent to this removal on behalf of the other served defendants, Oceaneering International, Inc. and Transocean Offshore Deepwater Drilling Inc., is attached as Exhibits D and E.

18.

By filing this notice of removal, Chevron U.S.A. Inc. hereby jointly gives written consent to this removal.

19.

The allegations of this Notice were true at the time the State Court Action was commenced and remain true as of the date of filing of this Notice of Removal.

20.

Undersigned counsel certifies that a notice of filing of notice of removal, along with a copy of this Notice of Removal, will be promptly filed with the 165th Judicial District Court of Harris County, Texas and served on plaintiff's counsel.

WHEREFORE, Chevron U.S.A. Inc. hereby removes this action to the United States District Court for the Southern District of Texas.

Respectfully submitted,

LISKOW & LEWIS

/s/ Michael A. Golemi

Michael A. Golemi

Attorney in Charge

State Bar No. 24047536

Fed. ID No. 559843

1001 Fannin Street, Suite 1800

Houston, Texas 77002

Telephone: (713) 651-2900

Facsimile: (713) 651-2908

E-mail: magolemi@liskow.com

**ATTORNEY FOR CHEVRON
U.S.A. INC.**

OF COUNSEL:

LISKOW & LEWIS

Alma F. Shields

State Bar No. 24069800

Fed. ID No. 1087002

Jody M. Schisel-Meslin

State Bar No. 24110336

Fed. ID No. 3356221

1001 Fannin Street, Suite 1800

Houston, Texas 77002

Telephone: (713) 651-2900

Facsimile: (713) 651-2908

E-mail: ashields@liskow.com

E-mail: jmschisel-meslin@liskow.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 22, 2021, a copy of the foregoing pleading was (1) filed electronically with the Clerk of Court using the CM/ECF system with notice being sent to all counsel of record registered to receive electronic service by operation of the court's electronic filing system., and (2) sent by United States mail, postage prepaid, to counsel for the plaintiffs and the Clerk of Court for the 165th Judicial District Court of Harris County.

/s/ Michael A. Golemi

Michael A. Golemi

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